

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK JOVAN MCRAE,	)	
Petitioner,	)	
	)	
v.	)	No. 1:21-CV-577-LCB-JLW
	)	
EDDIE BUFFALOE,	)	
Secretary, N.C. Dep't of Public Safety,	)	
Respondent.	)	
	)	

**PETITIONER'S MOTION TO HOLD KENNETH HONEYCUTT IN CIVIL  
CONTEMPT AND AWARD COSTS AND ATTORNEY'S FEES**

NOW COMES the Petitioner, by and through undersigned counsel, and pursuant to Local Rules 7.3 and 37.1, and Rule 45 of the Federal Rules of Civil Procedure moves this Court to find third-party Kenneth Honeycutt in civil contempt for failing to attend his properly noticed deposition at 2:00 p.m. on September 28, 2022. Petitioner requests this Court award Petitioner costs and attorney's fees incurred at that deposition and in preparing the instant motion. In support of this motion, the Petitioner certifies that he has conferred in good faith, or attempted to confer, with Mr. Honeycutt and Mr. Honeycutt's counsel in an effort to understand Mr. Honeycutt's nonappearance and resolve this dispute without court intervention. Petitioner's memorandum in support of this motion is filed contemporaneously herewith.

Respectfully submitted, this the 8th day of December, 2022

/s/ Jamie T. Lau

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*Counsel for Petitioner*

\*Appearing by special appearance pursuant to  
L.R. 83.1(d)

### **CERTIFICATE OF SERVICE**

I certify that on December 8, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following:

Ms. Kimberly N. Callahan  
kcallahan@ncdoj.gov

Mr. Zachary K. Dunn  
zdunn@ncdoj.gov

And I also certify that on December 8, 2022, I served counsel for third-party Kenneth Honeycutt via electronic mail at the following address:

Ms. Elizabeth C. O'Brien  
eobrien@ncdoj.gov

Respectfully submitted, this the 8th day of December, 2022.

/s/ Jamie T. Lau

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